

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARY W. ALEXANDER,

Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION, et
al.,

Defendants.

Case No. C16-1045RSM

ORDER GRANTING DEFENDANT U.S.
BANK NATIONAL ASSOCIATION'S
MOTION TO COMPEL

This matter comes before the Court on Defendant U.S. Bank National Association ("U.S. Bank")'s Motion to Compel, Dkt. #9. Pursuant to Rule 37 and Local Rule 37, U.S. Bank moves the Court for an Order compelling Plaintiff to "promptly (a) provide the initial disclosures required by Fed. R. Civ. P. 26 (a)(1)(A), and (b) provide complete responses to U.S. Bank's First Set of Interrogatories and Requests for Production to Plaintiff." Dkt. #9 at 1. Plaintiff fails to oppose this Motion. For the reasons set forth below, the Court GRANTS U.S. Bank's Motion.

I. BACKGROUND

A full background of this case is not necessary for the purposes of this Motion. On August 18, 2016, the Court issued its Order Regarding Initial Disclosures, Joint Status Report

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1 and Early Settlement. Dkt. #8. The Order directed the parties to provide initial disclosures
2 under Rule 26(a)(1)(A) on or before September 22, 2016, to conduct a Rule 26(f) conference
3 by September 15, 2016, and to file a combined Joint Status report by September 29, 2016. *Id.*
4 Defendant U.S. Bank timely provided U.S. Bank's initial disclosures, but Plaintiff failed to
5 provide disclosures or otherwise respond. *See* Dkt. #10 at ¶ 2.

7 U.S. Bank's counsel emailed Plaintiff on August 22 and September 9, 2016, and left a
8 voicemail for Plaintiff on September 13, 2016, seeking his cooperation in scheduling the Rule
9 26(f) conference and in preparing and filing the Joint Status Report as required by the Court.
10 Plaintiff failed to respond in any fashion. *Id.* at ¶ 3.

12 Plaintiff was served via mail and email with U.S. Bank's First Set of Interrogatories and
13 Requests for Production to Plaintiff on September 25, 2016. *Id.* at ¶ 4; Dkt. #10-1. Plaintiff
14 apparently failed to respond in any fashion. On October 25, 2016, U.S. Bank's counsel emailed
15 Plaintiff asking when responses would be received. Plaintiff never responded. Dkt. #10 at ¶ 4.
16 On October 28, 2016, U.S. Bank's counsel telephoned Plaintiff and conducted a Rule
17 37(a)(1)(A) conference regarding Plaintiff's failure to respond to the discovery requests. *Id.*
18 Plaintiff apologized for his delay and promised to serve complete responses on or before Friday
19 November 4, 2016. *Id.* U.S. Bank received nothing from Plaintiff. *Id.* U.S. Bank filed the
20 instant Motion to Compel on November 7, 2016. Plaintiff has failed to respond.

22 II. DISCUSSION

24 If requested discovery is not answered, the requesting party may move for an order
25 compelling such discovery. Fed. R. Civ. P. 37(a)(1). The party that resists discovery has the
26 burden to show why the discovery request should be denied. *Blankenship v. Hearst Corp.*, 519
27 F.2d 418, 429 (9th Cir. 1975). If a motion to compel is granted, the movant may be entitled to
28

1 recover reasonable expenses incurred in making the motion, including attorney's fees. Fed. R.
2 Civ. P. 37(a)(5)(A).

3 Rule 26(a)(1)(A) and the Court's August 18, 2016, Order require Plaintiff to provide
4 basic information to support his claims in this action. Plaintiff has ignored both the Rule and
5 the Order. Plaintiff has further failed to explain his actions or why this Motion should be
6 denied, as is his burden. *See Blankenship, supra*. Accordingly, the Court finds that U.S.
7 Bank's requested relief is warranted and will grant its Motion.
8

9 **III. CONCLUSION**

10 Having reviewed the relevant briefing, the declarations and exhibits attached thereto,
11 and the remainder of the record, the Court hereby finds and ORDERS:
12

- 13 1) Defendant U.S. Bank National Association's Motion to Compel (Dkt. #9) is
14 GRANTED.
- 15 2) Plaintiff is ORDERED to provide the initial disclosures required by Fed. R. Civ. P.
16 26 (a)(1)(A) and complete responses to U.S. Bank's First Set of Interrogatories and
17 Requests for Production.
18
- 19 3) Plaintiff shall serve these discovery responses **no later than fourteen days (14)**
20 from the date of this Order.

21 DATED this 1st day of December, 2016.

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24 RICARDO S. MARTINEZ
25 CHIEF UNITED STATES DISTRICT JUDGE
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